UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

THEODUS JORDAN / PLAINTIFF

Vs

BOSTON PUBLIC SCHOOLS / DEFENDANTS

Civil Action No.04-10688-NMG

MOTIONS IN RECONSIDERATION, AND / OR, APPEAL NOTICE FROM SUMMARY JUDGEMENT DECISION FROM JUDGE N.M. GROTON:
Dated, September 12, 2007

Here comes the plaintiff, Theodus Jordan, in the above matter of, THEODUS JORDAN vs. BPS (Boston Public Schools/Defendants) to ask for reconsideration and /or to file an Appeal Notice to the Higher Appeals Court in the interest of Justice and from the blatant unexamined, and based on stereotypical modeling and images of how the average "white American" views and sees people of color—especially black males in general. The Judge's decision, in this matter, is totally speculative, conjectural, unfounded, and lacks any independent evidence of discovery, research, found in pre-conferences, merit, legal process, or probative findings.

The Judge simply just adapts and judicates on the single *word* of this Boston Public Schools' defendants' attorney…. An attorney who has copied, duplicated, and presented the same "Do Not Use List", repeatedly to make two letters (one sent by the Curly school and one sent from Mr. Shiggs Office itself—no other letter or notification were ever sent to this plaintiff until after this case was filed; leading this plaintiff to believe and could prove, a conspiracy, if given my day in court). The duplication of these letters by the defendants' attorney give the appearance that there were numerous letters sent to central office with my name on a "do not use list", when in fact, the attorney makes it appear this way; while the Judge(a white male) in support of this attorney(a white female) does not look any further because he too wants her theory of this "black male", i.e. stereotypes: lacks personal skills, poor performance, lack of interpersonal skills; "unqualified" , to be true—while acknowledging my degrees but not my certifications.

These duplications make it seem as there were a lot of complaints and this "white female" knows how to present such typical today's stereotypes to any already accepting

"white audience.... It does not matter if that audience is inside a Court... because, as evidenced in this case (decision-making by stereotypes in this Courtroom today, "Racism" is making a come-back.

As the Judge pointed out in his explanation for why he thinks this plaintiff does not obviously have any, or good "interpersonal skills", which is how he largely bases his erroneous –"no due process", decision upon (no due process, no trial, no hearing, only the support of the duplication of papers presented to him by this defendants' attorney) is how this Judge drew his decision-- based only from this defendants' and their attorney's biased concept, having no first-hand experience with this plaintiff actual performance from those he has actually worked with. For this Judge, however, my entire career and work history and principles that have guided my entire life was not worthy enough to go against this white-female's unexamined, unsubstanuated facts, and racial opinion of who black men are; but chose rather, by a method of non-trial examination, based on purely speculative biased and racial imagery of how black males are viewed , especially by "white males" and "white females", then he concluded that this plaintiff must be **unqualified** even with all his degrees(4 masters, 1 honary doctorate, 2nd time doctorial candidate degree—looming) and therefore does not deserve even, his Day-in-Court , to be examined by his peers, in a fair and just hearing setting , on all these unsubstanuated accusations of "so called incompetence" "unqualified" , "lacking interpersonal skills", even though these very stereotypes set the over-all bases why plaintiff was fired in the first place, and never promoted to his maximum potential while employed by the BPS. To this Judge, this plaintiff entire life's work did not even deserve an airing by his peers.

There has been no trial, no examination of evidence, no substantiated facts presented, except for the "racial" decision conducted by this Judge. To be sure, there are legal errors of law and many facts in dispute, but (the judge, by not requiring this defendant to make that "quantum of proof") left himself as the only proof showing that there were no biases in hiring others not as qualified—simply on his proof; the proof he had simply gotten from the word of the defendants only. Nor, were the defendants protected from felonious discrimination. There were "material facts", which were totally ignored and or destroyed by defendants such as a "hangman's noose". It must have been deliberately destroyed after the fact or being presented to authorities by this plaintiff. This constitutes an obstruction of justice. Or, those hired after plaintiff were indeed less qualified; and that there were not racist animus involved in the delaying of the judge's decision for deceptive reasons to undermine this layman's lack of legal knowledge, and this plaintiff indigent status and his inability to obtain counsel before trial did not influence this Judge, who without evidence, armed only with the sole *word* and adaptation of this defendants' unfounded accounts and blatant duplication of falsifying and duplications (replicating) the same data / documents to deceived the Court , while the Court without any finding on its on , relied solely on this defendant's account with no trial, no hearing , without evidence , totally disregarding and refuting the *"prima facie evidence"*, weighed out , as required, especially, under(by) Masachusetts laws *on prima facie evidence*. Heinrich ex rel Heinrich v. Sweet, 118 F. Supp.2nd 73 (D.Mass.2000)

1. Defendants presented no evidence to refute prima facie evidence presented by these plaintiffs;

2. The Judge simply took the word –without examination or proof of any facts—of this defendants based upon his personal biases toward plaintiff because he fit a stereotyped figure which could only exist in the Judge' own mind. How can the Judge know of this plaintiff **Interpersonal** skills and plaintiffs' **Interactions** with plaintiff's previous employees and supervisors? This Judge relied exclusively on the word of the "white inexperience female lawyer—whom I did not meet until recently- about plaintiff's interactions which she herself could not have know either since I just met her;

3 The Judge relied on the word of the defendant's attorney, alone—without any evidence— unless the Judge was using, again, the unsubstantiated accusations and duplications of the same so called "Do Not Use List". The problem here is, the Judge tried to use these (a total of three such letters only—none of which were ever proven as factual, given "due process", or received any formal or legal reviews by school officials or by the BTU(Boston Teachers Union) as required by a grievance process where this plaintiff has been a member of the BTU since 1980's to challenge any so called Assessment of any employee's violations or improper conduct. No such meetings, arbitrations, or formal hearings have ever taken place concerning this plaintiff performance. Mere accusations –oral or written—are not considered as fact unless the employees are given full and complete formal airing and a decision has been given by the BTU or the School Committee or some other judicial body before establishing a fact about someone's character. Whatever, my character and interpersonal relationships were like during my interactions at BPS, and during my years of experience as a teacher, administrator, coordinator, counseling, substitution, for the BPS cannot be summed up by the defendant's attorney stereotypical hindsight look into her crystal "white female" review mirror, especially when my entire life depends on the outcome of this decision. The same material the Judge uses to validate his decision was based primarily on a "white female attorney's" stereotypical evaluation of this black male...whom she had never met. Like the judge who placed all of his decision on the defendant's attorney version and unexamined, unsubstantiated, and untested or unestablished over-duplications and "cooked "up copies of the same "Do Not Use Lists" . The defendant's attorney with no first-hand experience with this plaintiff's character, interpersonal skills. (as the Judge is also a white male himself) who has never met this plaintiff but one time in a pre-conference before him….whose view on the character of a black male inside a racist system, is an injustice as well as a miscarriage of justice!

4.The Judge completely ignored the blatant criminal aspect of discrimination in this case by never mentioning what this plaintiff had submitted to the MCAD case which led to this case by demanding my legal rights to have a "substantial weight" given to it decision when it too adapted without findings, the BPS position back in 2004. I was fired from my long term/cluster substitute position in 2001 by the superintendent directly because I had found a "hangman noose" in my desk drawer while I worked in Charlestown's Harvard-Kent's Elementary school. When I complained about it and

turned over the "hangman's noose" to the principal and assistant principal, I was immediately fired. Never heard from that incident again. But plaintiff did make this a part of this original complaint but this Judge—who is a white male but whom I originally took to be fair minded has turned out to be anything but—out of protection for the defendants, unwittingly, has managed to cover-up or silence this criminal offense which gave undeniable proof of the racist and hostile atmosphere still lurking within the walls of the Boston Public Schools system. This judge also ignored and completely side-step the issue of this veterans disability (DAV—Disable Veterans Status—all Material Facts of dispute) which is established within the records of this plaintiff personnel file since the eighties and restated in the nineties throughout my records. Also for this reason I think this Judge should recuse himself from further decision concerning this plaintiff case.

Wherefore, plaintiff pleads with this Honorable and High court, for relief, justice form the life-threatening injuries inflicted upon him by these Racist defendants and its Racist system. That the decision of SJ would be set aside, and a full, fair, and equitable jury trial by my peers, would be granted this plaintiff in the interest of Justice, Equal Treatment under the Law, and fairness!

Signed under the pains and penalties of perjury this day, September 29, 2007, by plaintiff,

Theodus Jordan

Theodus Jordan
P.O. Box 300840
Jamaica Plain, MA 02130-0036
617-894-7916C
508-588-6443W

Certificate of Service

A true Copy of this document was mailed by prepaid postage to last known address of this defendants at c/o Atty. Andrea Thomas, Boston Public Schools Legal Dept. 26 Court street, Boston, MA. 02108. by this Plaintiff on Oct. 1, 2007. Affixed.

Theodus Jordan
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